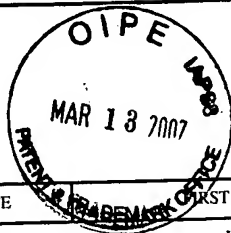




UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov



APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,744	07/23/2003	Latreice Woody	LW001	8141

7590
John S. Kendall
Davis & Kendall, P.C.
Suite 626
188 W. Randolph
Chicago, IL 60601

03/02/2007

EXAMINER

WILKENS, JANET MARIE

ART UNIT	PAPER NUMBER
----------	--------------

3637

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/625,744

Applicant(s)

WOODY, LATREICE

Examiner

Janet M. Wilkens

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to: See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. For claim 3, line 2, the phrase "within said and " is missing its subject making it indefinite. For claim 5, "said back panel" lacks antecedent basis.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Pullman (5,333,885). Pullman teaches a "portable nail salon" (Fig. 5) comprising: a body with a rear panel (13), left and right sides (11,12) with a tube handle (23,24) there between, a base (14), wheels (16) and upper and lower panels/shelves (18 and 38).

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Marsh (747,741). Marsh teaches a "portable nail salon" (Fig. 1) comprising: a body with a rear panel (A2), left and right sides (A3), a base (A1), upper and lower panels (A4,A6) with hinges, a shelf (F), a handle (sides of C), and wheels (B).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pullman in view of Marsh. As stated above, Pullman teaches the limitations of claim 1, including a body with sides. For claim 2, Pullman fails to teach upper and lower panels hinged to the body. Marsh teaches panels (A4,A6) hinged to a body. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the body of Pullman by adding hinged panels on the front portion thereof, such as is taught by Marsh, to provide additional horizontal shelves/workspaces, when desired, as well as closure means for the interior of the body.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marsh in view of Fernandez et al (5,405,587). As stated above, Marsh teaches the limitations of claims 1 and 2, including a shelf, left and right sides and upper and lower panels. For claim 3, Marsh fails to teach plural shelves between the sides. Fernandez teaches an inner shelf (30) inside a cart. It would have been obvious to add an inner shelf inside the salon of Marsh to provide additional storage space inside the salon. For claim 4, Marsh fails to teach indentations on the upper and lower panels. Fernandez teaches holders with indentations (84) attached to a surface. It would have been

obvious to add holders, such as is taught by Fernandez, onto the panels of Marsh, to provide a secure storage means/place for small items.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marsh in view of Fernandez et al and further in view of Muller et al (4,432,112). As stated above, Marsh in view of Fernandez teaches the limitations of claims 1-4, including a rear panel. For claim 5, Marsh in view of Fernandez fails to teach a light on the rear panel. Muller teaches a light (94) on the rear panel of a cabinet. It would have been obvious to add a light on the rear panel of the salon of Marsh in view of Fernandez, to provide a means inside the salon which would allow one to better view the contents therein.

Claims 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pullman in view of Marsh and further in view of Fernandez et al. As stated above, Pullman in view of Marsh teaches the limitations of claims 1-3, including a shelf, left and right sides and upper and lower panels. For claim 4, Pullman in view of Marsh fails to teach indentations on the upper and lower panels. Fernandez teaches holders with indentations (84) attached to a surface. It would have been obvious to add holders onto the panels of Marsh to provide a secure storage means/place for small items.

Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pullman in view of Marsh and Fernandez et al and further in view of Muller et al. As stated above, Pullman in view of Marsh and Fernandez teaches the limitations of claims 1-4, including a rear panel. For claim 5, Pullman in view of Marsh and Fernandez fails to teach a light on the rear panel. Muller teaches a light (94) on the rear panel of a

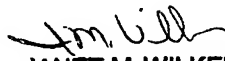

cabinet. It would have been obvious to add a light on the rear panel of the salon of Pullman in view of Marsh and Fernandez, to provide a means inside the salon which would allow one to better view the contents therein.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet M. Wilkens whose telephone number is (571) 272-6869. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Wilkens
March 1, 2007


JANET M. WILKENS
PRIMARY EXAMINER


Notice of References Cited

Application/Control No.

10/625,744

Applicant(s)/Patent Under
Reexamination
WOODY, LATREICE

Examiner

Janet M. Wilkens

Art Unit

3637

Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-747,741	12-1903	Marsh	312/118
*	B	US-5,333,885	08-1994	Pullman, Gene A.	280/47.19
*	C	US-5,405,587	04-1995	Fernandez et al.	422/292
*	D	US-4,432,112	02-1984	Muller et al.	15/36
*	E	US-3,784,270	01-1974	DeLapp, Mary Eddy	312/236
*	F	US-4,329,002	05-1982	Cowen et al.	312/196
*	G	US-42,943	05-1864	Hance	211/76
*	H	US-6,036,203	03-2000	Tyus et al.	280/47.26
*	I	US-5,518,310	05-1996	Ellman et al.	312/249.12
*	J	US-4,344,660	08-1982	Molnar et al.	312/249.13
*	K	US-6,820,879	11-2004	Butterfield, Floyd S.	280/47.26
*	L	US-2001/0030403	10-2001	Johnson et al.	280/47.26
*	M	US-3,085,842	04-1963	JOHNSON ELOISE N	312/209

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

for file 3/1/07